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09/710,154	11/09/2000	Gary Como.	10022/18	4580

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INDIANAPOLIS, IN 46204

EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/710,154

Applicant(s)

COMO. ET AL.

Examiner

Akiba K. Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10, 12-22 and 34-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-10, 12-22 and 34-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Due to communications filed 11/14/06, the following is a final office action. Claims 1, 11 and 23-33 have been cancelled. Claims 2-10, 12-22, 34 and 36 have been amended. Claims 39-41 have been added. 2-10, 12-22 and 34-41 are pending in this application and have been examined on the merits. Due to the amendment filed, the previous rejection has been withdrawn, and the pending claims have been rejected as follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 2-10, 12, 18-22, and 34-37 are rejected under 35 U.S.C. 102 (e) a being anticipated by Hafner et al (US 5,893,076).

As per claims 2, 21, Hafner et al discloses:

Wherein the obtaining comprises obtaining demand-indicating data, the demand-indicating data including at least one of demand data and forecast data on the

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transactional subject/wherein the obtaining step includes obtaining one of demand data and forecast data with respect to the transactional subject, (In this case, the examiner also notes that applicant's specification indicates that demand-indicating data includes forecast data and demand data and that the forecast data may represent the prospective demand of the first business entity for a product, service, good, financial transaction, or material provided by the second business entity. The demand data represents an actual, a present, or an estimated demand for good, service, product, material, or financial transaction provided by the second business entity to the first business entity (Specification, page 14 line 27 - page 15 line 5). Hafner et al discloses that the data being obtained is inventory information such as point of sale data or inventory adjustment information such as quantities of goods sold and returned as well as decreases in safety stock and loss of inventory, (Col. 4, lines 1-12; Col. 6, lines 11-20). Examiner submits that this information taught by Hafner et al represents an actual or present demand for a good or product. Hafner et al further disclose a forecasting engine for predicting future inventory needs based on inputs from an inventory activity file and stock data file (Col. 5, lines 15-48). Thus, examiner submits that Hafner et al teach obtaining and processing the particular type of data as defined in applicant's specification).

As per Claim 3, Hafner et al further disclose wherein the obtaining step comprises obtaining inventory-tracking data, the inventory-tracking data including at least one of consumption data and inventory data (Col. 4, lines 1-12; Col. 5, lines 15-23 and 34-36; Col. 6, lines 12-25).

As per Claim 4, Hafner et al further disclose wherein the generating step comprises generating an order as the business decision, the order being for the transactional subject based on the requirement-indicating data (Col. 4, lines 43-55; Col. 5, lines 42-55; Col. 6, lines 22-32).

As per Claim 5, Hafner et al further disclose wherein the generating step comprises generating a shipping instruction as the business decision, the shipping instruction being for the transactional subject based on the requirement indicating data (Col. 4 line 63-Col. 5 line 3).

As per Claim 6, Hafner et al further disclose wherein the feeding step comprises feeding the transmitted requirement-indicating data into an enterprise resource planning system as the electronic processor (Figures 1 and 3; Col. 3, lines 28-31; Col. 3 line 65-Col. 4 lines 5; Col. 5, lines 7-55). Examiner considers the replenishment system taught by Hafner et al to be equivalent to the "enterprise resource planning system" as claimed.

As per Claim 7, Hafner et al further discloses:

obtaining requirement-indicating data or demand-indicating data of a first entity with respect to a transactional subject (Col. 2, lines 45-47; Col. 3, line 65-Col. 4 line 12; Col. 4, lines 17-28; Col. 5, lines 15-20; Col. 6, lines 12-20);

wherein the obtaining step comprises extracting a subset of the requirement-indicating data from a requirement-indicating database associated with an enterprise resource planning system (Col. 5, lines 34-48; Col. 6, lines 22-26);

wherein the extracting process is selected from the group consisting of a process based on compatibility of a processing system of a second business entity to receive the extracted subset, (Col. 3, lines 34-64), a process based on previous history of the usefulness of prior extracted data, (Col. 10, lines 50-56), a process based on a model for managing the transactional subject, (Col. 10, lines 63-65), and a process based on properties of the database, (Col. 5, lines 10-19);

automatically transmitting the obtained requirement-indicating data or demand-indicating data from a first business entity to a second business entity over a communications network, (Col. 2, lines 47-50; Col. 3 line 65-Co1.4 line 12; Col. 5, lines 15-20, Col. 6, lines 12-20);

automatically feeding the transmitted requirement-indicating data or demand-indicating data into an electronic processor (Forecasting engine, Figure 3, 230) for monitoring the transactional subject or demand-indicating data, the electronic processor being associated with an electronic processing system, (Replenishment system, 10, Figure 3) of the second business entity(Figure 3; Col. 2, lines 47-50; Col. 3 line 65-Co1.4 line 12; Col. 4, lines 50-55; Col. 5, lines 17-25 and 34-55; Col. 6, lines 20-25)(Examiner notes that the replenishment system of Hafner et al is considered by the examiner to be part of the second business entity since Hafner et al indicates that his system allows for cost efficient, secure and flexible inventory forecasting and replenishment which may be maintained by suppliers (Col. 2, lines 5-10).); and

generating a business decision of the first business entity and the second business entity that is based on the requirement-indicating data or demand-indicating

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data and that is made solely by the electronic processing system without the need for manual data entry into or manual data extraction from the electronic processing system, (Col. 2, lines 23-25; Col. 2, lines 47-55; Col. 4, lines 28-34 and 43-55; Col. 5, lines 42-60; Col. 6, lines 23-32). Examiner submits that the replenishment system of Harrier et al correlates to the electronic processing system as claimed and is considered part of the second business entity since Hafner et al indicates that his system allows for cost efficient, secure and flexible inventory forecasting and replenishment which may be maintained by suppliers (Col. 2, lines 5-10)). Examiner notes that applicant's specification defines requirement-indicating data as information that is useful in managing or conducting a commercial activity or a transaction involving a transactional subject (Specification, Page 5, lines 7-10). Applicant's specification further defines requirement-indicating data as data that may represent forecast data, demand data, consumption data, inventory data, or any other data that impacts characteristics of a transaction or commercial activity involving the transactional subject (Specification, page 9, lines 18-21), wherein inventory data represents a measure of an inventory level of a transactional subject (Specification, page 9, lines 24-25), and consumption data represents an increase, a decrease, rate of increase, or rate of decrease of inventory of a transactional subject (Specification, page 9, lines 25-27). Hafner et al discloses that the data being obtained is inventory information such as point of sale data or inventory adjustment information such as quantities of goods sold and returned as well as decreases in safety stock and loss of inventory (Col. 4, lines 1-12; Col. 6, lines 11-20).

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Thus, examiner submits that Hafner et al teach obtaining and processing the particular type of data as defined in applicant's specification.

As per Claim 8, Hafner et al further disclose wherein the transmitting step comprises transmitting superseding requirement-indicating data on an as-needed basis to replace prior requirement-indicating data at the second business entity (Col. 4, lines 1-12; Col. 5, lines 15-33; Col. 6, lines 10-22; inventory adjustment data is considered by examiner to be data that is superseding prior inventory data).

As per Claim 9, Hafner et al further disclose wherein the transmitting step comprises transmitting differential data for expressing a change with respect to prior requirement indicating data at the second business entity (Col. 4, lines 1-12; Col. 5, lines 15-33; Col. 6, lines 10-22; inventory adjustment data is considered by examiner to be data that is differential data for expressing a change with respect to prior inventory data).

As per Claim 10, Hafner et al further disclose wherein the generating step comprises generating the business decision on production of the transactional subject based on an exchange of the requirement-indicating data at a regular interval, the regular interval having a duration that depends upon a nature of the business of the first business entity and the second business entity (Col. 5, lines 34-55 and Col. 6, lines 22-30; Col. 10, lines 46-60). Hafner et al disclose that the forecasting processing sub-system includes a scheduler function that is maintained and controlled by the supplier. The forecasting sub-system generates the business decision based on new or exchanged requirement-indicating data either on demand or based on the

scheduler. Thus, the duration of the interval is controlled by the supplier based upon the nature of the business.

As per Claim 12, Hafner et al further disclose wherein the obtaining step comprises accessing the demand-indicating data in a database associated with an enterprise planning resource system (Col. 5, lines 15-48).

As per Claims 34-37, Hafner et al further disclose wherein the business decision comprises an order processing decision, procuring a production material, engaging in a commercial transaction or purchasing the transactional subject (Col. 4, lines 43-62; Col. 5, lines 40-55; Col. 6, lines 20-42).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafner et al, U.S. Patent No. 5,893,076.

As per Claims 13 and 17, Hafner et al disclose wherein the obtaining step comprises updating demand-indicating data in the database (Col. 6, lines 1-7, 12-25 and 39-43). Hafner et al fail to explicitly disclose that this data is updated on a daily basis after an end of a business day and prior to a beginning of a next successive business day. However, Hafner et al disclose that this data is updated after the retailer either sells or loses goods (Col. 6, lines 12-14) and further discloses that any changes

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in stock due to the PO are communicated and stored in the stock data file (Col. 6, lines 39-43). Hafner et al further disclose that the forecasting engine runs either on demand or when requested by a scheduler (Col. 5, lines 42-50) that is controlled by the user (Col. 10, lines 58-60).

Examiner submits that it would have been obvious to one having ordinary skill in the art at the time of invention that the interval for updating the data would be any interval established by the users of the system depending on the nature of the business. For a business that sells a significant amount of stock in a particular day such as WalMart, it would have been obvious to one having ordinary skill in the art to program the scheduler to update the data on a daily basis so that stock levels and demand data is accurately reflected.

As per claim 38, Hafner et al discloses:

Wherein the extracting process is based on properties of the database wherein the extracting process comprises extracting data from a relevant list of relevant data fields in the database, (Col. 8, lines 55-63).

As per claim 39, Hafner et al discloses:

Wherein the extracting process is based on properties of the database, wherein the extracting process comprises extracting data from a relevant list of relevant data entries in the database, (Col. 8, lines 55-63, w/ Col. 7, lines 25-29).

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6. Claims 14-16, 18, 19, 20, 22, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafner et al, US. Patent No. 5,893,076 in view of Meltzer et al, U.S. Patent No. 6,125,391.

As per Claims 14-16, Hafner et al further discloses:

obtaining demand-indicating data with respect to a transactional subject (Col. 2, lines 45-47; Col. 3, line 65-Co1.4 line 12; Col. 4, lines 17-28; Col. 5, lines 15-20; Col. 6, lines 12-20);

extracting a relevant portion of the demand-indicating data from the database (Col. 5, lines 15-48);

wherein the extracting process is selected from the group consisting of a process based on compatibility of a processing system of a second business entity to receive the extracted subset, (Col. 3, lines 34-64), a process based on previous history of the usefulness of prior extracted data, (Col. 10, lines 50-56), a process based on a model for managing the transactional subject, (Col. 10, lines 63-65), and a process based on properties of the database, (Col. 5, lines 10-19);

automatically transmitting the extracted relevant portion of the demand-indicating data from a first business entity to a second business entity over a communications network, (Col. 2, lines 47-50; Col. 3 line 65-Co1.4 line 12; Col. 5, lines 15-20, Col. 6, lines 12-20);

automatically feeding the transmitted demand-indicating data into an electronic processor (Forecasting engine, Figure 3, 230) for monitoring the transactional subject or demand-indicating data, the electronic processor being associated with an electronic

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processing system, (Replenishment system, 10, Figure 3) of the second business entity(Figure 3; Col. 2, lines 47-50; Col. 3 line 65-Co1.4 line 12; Col. 4, lines 50-55; Col. 5, lines 17-25 and 34-55; Col. 6, lines 20-25)(Examiner notes that the replenishment system of Hafner et al is considered by the examiner to be part of the second business entity since Hafner et al indicates that his system allows for cost efficient, secure and flexible inventory forecasting and replenishment which may be maintained by suppliers (Col. 2, lines 5-10).); and

generating a business decision of the first business entity and the second business entity that is based on the demand-indicating data and that is made solely by the electronic processing system without the need for manual data entry into or manual data extraction from the electronic processing system, (Col. 2, lines 23-25; Col. 2, lines 47-55; Col. 4, lines 28-34 and 43-55; Col. 5, lines 42-60; Col. 6, lines 23-32). Examiner submits that the replenishment system of Harrier et al correlates to the electronic processing system as claimed and is considered part of the second business entity since Hafner et al indicates that his system allows for cost efficient, secure and flexible inventory forecasting and replenishment which may be maintained by suppliers (Col. 2, lines 5-10)). Examiner notes that applicant's specification defines requirement-indicating data as information that is useful in managing or conducting a commercial activity or a transaction involving a transactional subject (Specification, Page 5, lines 7-10). Applicant's specification further defines requirement-indicating data as data that may represent forecast data, demand data, consumption data, inventory data, or any other data that impacts characteristics of a

transaction or commercial activity involving the transactional subject (Specification, page 9, lines 18-21), wherein inventory data represents a measure of an inventory level of a transactional subject (Specification, page 9, lines 24-25), and consumption data represents an increase, a decrease, rate of increase, or rate of decrease of inventory of a transactional subject (Specification, page 9, lines 25-27). Hafner et al discloses that the data being obtained is inventory information such as point of sale data or inventory adjustment information such as quantities of goods sold and returned as well as decreases in safety stock and loss of inventory (Col. 4, lines 1-12; Col. 6, lines 11-20). Thus, examiner submits that Hafner et al teach obtaining and processing the particular type of data as defined in applicant's specification.

Hafner et al fails to explicitly disclose formatting the extracted relevant portion of the demand-indicating data into an extensible mark-up language document.

However, Meltzer et al disclose a system for using documents for commerce in trading partner networks and further disclose a system for parsing structured information and formatting the information into an XML based document and further translating an XML based document into other structured formats (Col. 2, lines 60-67; Col. 3, lines 20-30 and 45-50; Col. 5, lines 50-56; Col. 7, lines 55-61; Col. 10, lines 29-38; Col. 10 line 65-Co1.11 line 10; Col. 26, lines 18-39; Col. 82, line 58-Co1.83 line 28).

It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the teachings of Hafner et al and incorporate the ability to format information into XML based documents and translate XML based documents into other formats acceptable to a particular business' system as taught by Meltzer et al.

Meltzer et al provides motivation by specifically indicating that this would facilitate a virtual enterprise or trading community such that trading partners would only need to agree on the structure, content and sequencing of the business documents they exchange and enables a business to present a clean and stable interface to its business partners despite changes in its internal technology implementation, organization or processes (Col. 82, lines 59-67 and Col. 83, lines 20-30).

Furhermore, applicant admits that data format translators and converters to and from XML files were known in the art and commercially available at the time of the invention (See Specification, Page 8, lines 3-11).

As per Claim 18, Hafner et al further disclose displaying the demand-indicating data for a user affiliated with one of the first business entity and the second business entity (Col. 11, lines 20-28).

As per Claim 19, Hafner et al further disclose wherein the business decision comprises deciding to change the manufactured quantity of a material as the transactional subject (Col. 4, lines 28-32; Col. 6, lines 25-42; Col. 8, lines 1-10).

As per Claim 20, Hafner et al further disclose wherein the business decision comprises deciding to change a supply of material to fulfill a firm demand derived from the demand-indicating data (Col. 4, lines 28-32; Col. 6, lines 25-42; Col. 8, lines 1-10).

As per Claim 22, Hafner et al further disclose wherein the first business entity represents a customer of a material as the transactional subject and wherein the second business entity represents a supplier of the material (Figure 1 ; Col. 3 line 64-Col. 4 line 60).

As per claim 40, Hafner et al discloses:

Wherein the extracting process is based on properties of the database wherein the extracting process comprises extracting data from a relevant list of relevant data fields in the database, (Col. 8, lines 55-63).

As per claim 41, Hafner et al discloses:

Wherein the extracting process is based on properties of the database, wherein the extracting process comprises extracting data from a relevant list of relevant data entries in the database, (Col. 8, lines 55-63, w/ Col. 7, lines 25-29).

Response to Arguments

7. Applicant's arguments filed 11/14/06 have been fully considered but they are not persuasive.

As per claim 7, applicant argues that Hafner et al does not disclose any one of the extracting process options recited this claim. However, as described above in the rejection, Hafner et al discloses "the extracting process is selected from the group consisting of a process based on compatibility of a processing system of a second business entity to receive the extracted subset" in Col. 3, lines 34-64. Here, Hafner et al shows that the retailer may have one type of compatible software running on a network, where the network accepts formatted data and makes the data available to clients using different communication devices/software programs, meaning that when the client extracts the data, it is formatted according to the communication device/software program, thereby making it compatible with that device/program. In addition, Hafner et al discloses "a process based on previous history of usefulness of prior extracted data",

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by disclosing that an associated menu allows a user to extract via evaluating demand history as shown in Col. 10, lines 50-56. In addition, Hafner et al discloses "a process based on a model for managing the transactional subject" by disclosing the use of replenishment modeling to manage parameters as shown in Col. 10, lines 63-65. Finally Hafner et al discloses "a process based on properties of the database" by disclosing the storage of pertinent inventory information in both the stock and inventory files, and using these files to for extracting data as shown in Col. 5, lines 10-19.

As per claim 8, applicant argues that Hafner et al does not disclose transmitting superseding requirement-indicating data on an as-needed basis. However, in Col. 4, lines 1-12, Hafner et al describes inventory adjustment data, which is analogous to data that is superseding prior inventory data.

As per claim 9, applicant argues that Hafner et al does not disclose transmitting differential data for expressing a change with respect to prior requirement indicating data. However, in Col. 4, lines 1-12, the inventory adjustment data is analogous to data that is differential data for expressing a change with respect to prior inventory data.

As per claims 2-6, 8-10, 34 and 36, these claims depend from claim 7, and are therefore rejected for the same reasons as disclosed with respect to claim 7.

As per claims 12 and 18-22, these claims depend from claim 14, which is argued for reasons similar to those of claim 7, and these claims are therefore rejected for the same reasons.

As per claims 13 and 17, these claims depend from claim 14, which is argued for reasons similar to those of claim 7, and these claims are therefore rejected for the same reasons.

As per claims 14-16, applicant make similar arguments to those of claim 7, and claims 14-16 are therefore rejected for the same reasons.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238

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[After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A handwritten signature in black ink, appearing to read "A. R. B.", with a stylized, flowing script.

A. R. B.

January 16, 2007